

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 11- 22**

A RESOLUTION TO APPROVE A PROPOSAL AND CONTRACT TO PROVIDE ASPHALT PAVEMENT RESTORATION FOR CREE DRIVE RELATING TO PHASE I (REVISED) THE INSTALLATION OF STEEP SLOPE STABILIZATION AND REPAIRS RECENTLY COMPLETED BY ANOTHER VENDOR

Introduced by: Mayor Calvin Washington

WHEREAS, on October 20, 2022, the Mayor and Council approved Resolution 45-21 entitled "A Resolution to Approve Phase I (Revised) of a Proposal and Contract from FES Group, LLC to Provide Steep Slope Stabilization and Repairs, and make Roadway Improvements along or near Cree Drive;" and

WHEREAS, after the September 15, 2021 Town Council meeting, staff reevaluated and determined that the proposed cost of the project as provided in Resolution 45-21, as originally written, was more than could be reasonably allocated for the project in the FY22 Budget, and as a result, staff and the vendor revisited the original scope of work to determine if there was an optimal phased-in approach to be considered which could move the project forward, accomplish the goals to rehabilitate the street, but also better align with the Town's fiscal resources to adequately fund the project at this time; and

WHEREAS, the Charter, Section 33-63(g) (Purchases and contracts) states that the Mayor and Council by a two-thirds vote may waive the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services provided written findings are made as to the basis of such waiver shall be placed in the journal of the Council's proceedings; and

WHEREAS, as reported last October, the Town had recently received its first-year installation of American Rescue Plan Act funding in the amount of \$1,263,102.67 which was distributed by the State of Maryland to the Town as a Non-Entitlement Entity recipient, and one of the eligible categories for use of these funds is to support municipal infrastructure projects; and

WHEREAS, the Council considering Resolution 45-21, found that in addition to \$1,263,102.67 from the American Rescue Plan Act already partially distributed to the Town, other potential funding sources for the Project in FY22 included: (i) Highway User Funds - \$101,000.00, (ii) Casino Impact Funds (Casino) - \$120,000.00, (iii) State Infrastructure Grant - \$125,000.00, and (iv) State Infrastructure Bond (balance) \$311,000.00; and

WHEREAS, prior to work commencing on Cree Drive this past January, the Town obtained from FES Group, LLC ("FES") a Fee Proposal for the Engineering, Design, and Construction of Slope Erosion Repair and Stabilization of Cree Drive Drainage Improvements and Road Repair (FES Project No. 21-016) dated August 2, 2021, which was amended on October 4, 2021; and

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WHEREAS, said FES Proposal (Phase I - revised) as modified was limited to construction of concrete aprons, drainage improvements, and curb and gutter at Cree Drive Drainage Improvements in Forest Heights at a project cost not to exceed \$752,400.00, which was adjusted and decreased from the original quote of \$1,711,700.00; and

WHEREAS, at said meeting held on September 22, 2021, the Town staff and FES were able to agree upon a revised scope of work, and the aforementioned revised scope of work or new sub-scope included the following: Plan drawings and submittals, underdrain installation and removal and replacement of curbs, gutters and driveway aprons; and

WHEREAS, said FES Proposal originally recommended that the project be performed in two (2) phases to minimize the impact on the existing residences and movement of traffic along Cree Drive consisting of steep slope stabilization repair and roadway improvements for Phase I per Section 6 of the Proposal; and

WHEREAS, at the Town special meeting held on September 30, 2021, then Acting Mayor Washington presented a revised plan as described herein and concluded by urging the Council to consider moving forward with the project based on a "modified first phase" where such approach is scaled down further in the scope of work as was indicated in the original Resolution 45-21, as tabled; and

WHEREAS, the revised scope of work (as re-printed below) decreased the cost of Phase I of the project from \$1,711,700.00 to \$752,400.00; however, because of the relatively high proposed costs from FES for the milling and repaving of the length of Cree Drive, staff recommended that the Town consider entering into a contract with another vendor to complete the job of milling and repaving, since proposals for this service from another vendor had historically come in significantly lower than the FES proposal referenced above, and

PHASE I FEES

Phase 1A- Surveying and Grading Plan...	\$195,700.00
Phase 1C- Underdrain System Install and Inlets...	\$178,900.00
Phase 1C.1 - Concreate Aprons (69 each)...	\$125,500.00
Phase 1D – Removal and Replacement of Curb and Gutters	<u>\$252,300.00</u>
TOTAL:	\$752,400.00

It was previously noted last October in Res. 45-21, that the plan would include, as recommended by staff, an additional finishing aspect of the project which would be the milling and repaving of the entire street by another firm, and staff estimated that this aspect would cost approximately an additional \$275,000.00, to be approved later by a separate Resolution; and

WHEREAS, the Staff recommends that in order to complete the Cree Drive stabilization project that the milling and replacement portion of work be provided by Choice Concrete Construction, Inc., a business in good standing with the State and having performed numerous contracts with the Town; and

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WHEREAS, the Council finds that Choice Concrete Construction, Inc.'s services are unique and the best bid in terms of the quality of goods and work, successful past performance on Town projects, time of delivery or completion, and responsibility of vendors being considered.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby accepts the aforementioned Proposal entitled "Asphalt Pavement Restoration for: Cree Drive," originating date of Jan. 17, 2022, and further approves and authorizes the Town to proceed with the said contract quoted at \$362,840.00 with certain terms and conditions enumerated therein, for the asphalt base patching, sub-grade stabilization, asphalt milling and overlay, line striping, asphalt speed hump installation and traffic management along Cree Dr. prepared by Choice Concrete Construction, Inc., a Maryland company that is in good standing with the State, which is attached hereto and incorporated by reference herein as Exhibit 1.

AND, BE IT FURTHER RESOLVED that the Town Council hereby authorizes the finalized written contract with Choice Concrete Construction, Inc. to be paid pursuant to FY22 Budget Line Item(s): 8000 (*Street Repair Projects*), 8200 (*ARPA*) with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

AND, BE IT FURTHER RESOLVED, that prior to the Mayor signing the approved proposal or contract and notwithstanding anything in said contract to the contrary, the authorized representative of said company or firm shall provide proof of insurance indemnifying the Town, to the satisfaction of the Town Administrator, and that the Contractor shall agree by signing a release and waiver that it will provide and maintain at all times during the term of this agreement, or any other contract it has with the Town, such insurance coverage (Commercial General Liability, Business Automobile Liability, and Workers' Compensation) to adequately protect the Town or as otherwise required by law and that the Contractor shall cover any claim that may arise while engaged in work under any agreement with the Town.

AND, BE IT FURTHER RESOLVED that the Town Council by a two-thirds vote hereby waives the competitive bidding requirements of Section 33-66 of the Town Charter for good cause shown for sole source procurements of unique products and services.

AND BE IT FURTHER RESOLVED that the Town Administrator and Town Treasurer shall ensure that the Annual Budget Ordinance, as amended, and any duly authorized amendatory budget resolutions, and the detailed line-item budget/quarterly financial reports are properly introduced, enumerated and amended to accommodate, validate and reflect the intent of this Resolution.

AND BE IT FURTHER RESOLVED that the Mayor, on behalf of the Town, is hereby authorized to enter into the subject Proposal/Contract and execute any other necessary

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documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 7 day of March 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY

Yea

BROWNSON

Yea

ATKINSON

ABSENT

BARNES

Yea

HINES

Yea

WASHINGTON


Yea

NOBLE


Yea

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND



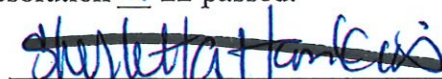
Sherletta Hawkins, Town Clerk

By: 

Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ of March 2022 with 6 Aye votes and 0 Nay vote (i.e., a 2/3rds majority of quorum) the aforesaid Resolution 11-22 passed.



Sherletta Hawkins, Town Clerk

[Exhibit 1 - Choice Concrete Construction, Inc. *Proposal/Contract (dated Jan. 17, 2022)*]